

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Division of Maternal and Child Health

(Amendment)

911 KAR 2:110. Kentucky Early Intervention Program Point of Entry

RELATES TO: KRS 200.650 TO 200.276, 20 U.S.C. 1471-1485, 34 C.F.R
303.501

STATUTORY AUTHORITY: KRS 194A.050, 200.660(8), EO 2004-726

NECESSITY, FUNCTION AND CONFORMITY: KRS 250.660 requires the Cabinet for Health and Family Services to administer all funds appropriated to implement provision, to enter into contracts with service providers, and to promulgate administrative regulations necessary to implement KRS 200.650 to 200.675. This administrative regulation sets forth the point of entry provisions pertaining to First Steps, Kentucky's Early Intervention Program.

Section 1. Point of Entry.

(1) The point of entry (POE) staff shall coordinate child find efforts with local education agencies in order to insure compliance with child find mandates with each party.

(2) The POE staff shall coordinate child find efforts with other state and

federal programs serving this population, including maternal and child health programs, early and periodic screenings, diagnosis, and treatment programs, Head Start, homeless shelters, Supplemental Security Income Program, and programs authorized through 42 U.S.C. 15001 to 15009, the Developmental Disabilities Assistance and Bill of Rights Act.

(3) The POE staff shall develop a child find activity plan to be conducted in each district and approved by the cabinet.

(4) The POE staff shall maintain accessibility and provide public awareness activities in each district as required by the cabinet.

(5) The POE staff shall maintain communication with the District Early Intervention Council (DEIC), regional technical assistance staff and lead agency on matters of child find, service options, and other issues relevant to the First Steps Program.

(6) The POE staff shall act on all referrals for First Steps services.

(a) Upon receiving a telephone or written referral, POE staff shall determine if the:

1. Family is aware that a referral is being made; and

2. Referral is appropriate based on:

a. Establishing that the child's age is between birth and three (3) years old;

b. Ensuring the family's residence is within the assigned district or that the family is homeless; and

c. Determine that there is either an established risk diagnosis or confirming that there is a developmental concern by administering the cabinet approved screening

protocol.

(b) If the initial screening finds the referral to be inappropriate, the POE shall give the:

1. Referral source the appropriate resource to refer the child and family to the services that meet that child's needs. These resources include:

a. Public schools;

b. The Department for Community Based Services;

c. Medical services; or

d. Another POE; and

e. Other appropriate community services; and

2. Parent a notice of action refused in accordance with 34 CFR §303.403(b).

(c) If it is determined that the referral is appropriate, POE staff shall contact the family by telephone or letter within five (5) working days.

(d) If the family is interested in early intervention services, the POE staff shall assign a service coordinator and continue with the intake process.

(e) If a family is not interested in participating, the family shall be informed by the POE staff of contact information for the POE and other community resources. The POE staff shall:

1. Document in the child's record the refusal of services; and

2. Send a letter to the referral source explaining refusal of services by the family.

(f) If efforts to contact the family by telephone and in writing fail, in order to bring closure to the referral the POE staff shall send a follow-up letter within ten (10) working days of the referral.

(g) Within fifteen (15) working days, the POE staff shall send, in writing, an acknowledgment to the referral source that the referral was received and the status of the processing of the referral, if known at that time.

(7) At the initial visit to the family, the service coordinator shall:

(a) Identify the purpose of the visit;

(b) Explain the First Steps services;

(c) Explain the family rights by giving the family the “Family Rights Handbook” and review the statement of assurances;

(d) Request the signature of a parent on the statement of assurances;

(e) Request release of information for medical or developmental information, risk indicators, or other diagnostic hearing test results from parent;

(f) Determine the willingness to participate in First Steps services or refusal of services;

(g) Interview family and other individuals identified by the parents who are significant in the child’s life and record findings to help record:

1. The child’s developmental status;

2. The pregnancy, birth, and health information;

3. Social relationships; and

4. Context for learning, including the family’s history, resources, priorities, and concerns.

(h) Conduct the Routines Based Interview to determine daily routines and activities, the family’s satisfaction level with these routines, and the family’s desired outcomes.

(i) Determine the next action needed with the family to determine eligibility of the child;

(j) Discuss evaluation and service options;

(k) Establish the potential date for developing an Individual Family Service Plan (IFSP);

(l) Discuss the role of the service coordinator; and

(m) Collect insurance information and data necessary for billing.

(8) All children referred to First Steps because of suspected developmental delay or established risk condition will have a verbal risk assessment for suspected hearing impairments prior to the initial IFSP meeting.

(9) The POE staff shall use the following to assist in the determination of hearing status:

(a) If the referral is a birth to three (3) year old child who is “at risk” as indicated in KY CHILD and confirmed by the Early Hearing Detection and Intervention Data Base and the “at risk” indicator is the only reason they were referred to First Steps, and no audiological evaluation has been done, the child and family, or guardian, shall be notified to contact the child’s primary health care provider, pediatrician, or an Approved Infant Audiologic Assessment Center as specified by KRS 211.647 and KRS 216.2970 for an audiological evaluation to determine hearing status.

(b) If the referral is a birth to three (3) year old child who is suspected of having a hearing problem, but not suspected of having any developmental problems, the family or guardian shall be notified to contact the child’s primary health care provider, pediatrician, or an Approved Infant Audiologic Assessment Center as specified by KRS

211.647 and KRS 216.2970 for an audiological evaluation to determine hearing status.

(c) If the referral is a birth to three (3) year old child with a diagnosis of significant hearing loss, as specified by KRS 200.654(10)(b), the child shall be considered to have an “established risk” diagnosis and be eligible for First Steps services and the referral process shall continue.

(d) If a birth to three (3) year old child who is suspected of having a hearing loss, with no verification of degree of loss or diagnosis, and suspected of having delays in developmental areas, POE staff shall initiate the evaluation for First Steps, which shall include an audiological evaluation at an Approved Infant Audiologic Assessment Center as specified by KRS 211.647 and KRS 216.2970.

(10) POE staff shall coordinate the evaluation and assessment process for eligibility determination in a timely manner so that children determined to be eligible can have an IFSP developed within the federally mandated time line of forty-five (45) days from receipt of the referral.

(11) The POE staff shall make appropriate referrals to secure the needed evaluation and assessment of the child’s medical and developmental status.

(12) The POE staff shall coordinate and ensure completion of the initial individualized family service plan (IFSP) meeting within the federally mandated time line of forty-five (45) calendar days from receipt of referral.

(a) The POE staff shall assist the family in identifying the IFSP team members in accordance with federal regulations.

(b) The POE staff shall notify all identified IFSP team members of the upcoming IFSP meeting date, time, and location.

(c) The POE staff shall document the IFSP in accordance with federal and state program policies and send the completed IFSP to the family, and others as requested by and consented to by the family, within five (5) working days of the IFSP meeting.

(13) The POE staff shall be responsible for knowing the following transition procedure that shall include:

(a) Ensuring all potential agencies and programs that could provide services to a particular child after the age of three (3) are included.

(b) Processing the referrals of all children who are less than the age of two (2) years ten and one-half (10 ½) months for evaluation and First Steps services.

(c) For all children who are two (2) years and ten and one-half (10 ½) months old to age three (3) years when referred to First Steps, the POE shall, with parent or guardian consent, make a referral to the Local Educational Agency (LEA).

1. The POE shall notify the parent or guardian in writing (prior written notice) that due to the child's age at the time of referral, the First Steps program will not provide an evaluation to determine eligibility for First Steps, but will connect the parent or guardian with the Local Education Agency, or other community resource, and, with the consent of the parent or guardian, make a referral to the LEA for determination of eligibility for service under Part B.

2. Such written notice shall inform the family of their right to dispute this decision by making a formal state complaint, requesting mediation, or filing a due process complaint and shall include materials describing these dispute resolution options, including the timelines associated with each option.

3. Following the provision of written prior notice and giving the parent or guardian a reasonable amount of time to respond to the notice, the POE shall close the child's First Steps record.

4. If the child's parent or guardian disputes the First Steps program's refusal to evaluate the child, the child's First Steps record shall remain open pending the resolution of the dispute and notification to close or until the day before the child's third birthday, whichever is earlier.

(14) The POE staff shall maintain a complete record on all children referred through the POE and provide data to the lead agency as requested.

(15) The POE shall provide a written monthly data report to the DEIC.

(16) The POE shall collect and maintain the District Service Provider Directory and shall provide information to the cabinet on a regular basis.

Section 2. Incorporation by reference.

(a) Family Rights Handbook, January 2005 edition is incorporated by reference.

(b) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8:00 a.m. to 4:30 p.m.